

Title 484 WAC

VETERANS' AFFAIRS, DEPARTMENT OF

Chapters

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Chapter 484-10 WAC DEPARTMENTAL HEADQUARTERS

WAC

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WAC 484-10-005 Purpose of organization. The department of veterans affairs shall be the administrative body responsible for all duties and functions delegated to it by state law. Additionally, within budgetary limitations, it will initiate and maintain program control of:

- (1) State veterans institutions.
- (2) A system of veterans services, for veterans and their beneficiaries in various locations throughout the state, to provide claims and referral activities.
- (3) Fiduciary services for eligible incompetent veterans and their beneficiaries.

[Order 7659, § 484-10-005, filed 7/28/77.]

WAC 484-10-010 State veterans institutions. The Washington soldiers home and colony, and the Washington veterans home shall have, respectively, a chief executive officer to be called a superintendent. The superintendent shall be directly responsible to the director of the department of veterans affairs.

[Order 7659, § 484-10-010, filed 7/28/77.]

WAC 484-10-015 Veterans services. Field services for veterans and their beneficiaries shall be administered from the department of veterans affairs by a person designated by the director of the department. This designee shall be responsible for implementing departmental policy and maintaining program control, either directly and/or through contract administration.

[Order 7659, § 484-10-015, filed 7/28/77.]

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WAC 484-10-020 Personnel services. Personnel services for departmental recruiting, testing and compliance with all applicable laws, rules, and policies shall be maintained by the department of veterans affairs.

The person responsible for administration of these services shall be designated by the director of the department.

[Order 7659, § 484-10-020, filed 7/28/77.]

WAC 484-10-025 Administrative services. Intradepartmental administrative services shall be provided by the department to include, but not be limited to: Accounting, purchasing, budget preparation, maintenance of supplies, and such management studies and program support functions as the director deems necessary.

[Order 7659, § 484-10-025, filed 7/28/77.]

WAC 484-10-030 Fiduciary services. Such fiduciary and other services mandated by RCW 43.60A.070 may be provided by the department of veterans affairs. Program administration and control shall be lodged in departmental headquarters, although the staff actually providing the services may be located elsewhere.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-10-030, filed 7/17/80; Order 7659, § 484-10-030, filed 7/28/77.]

WAC 484-10-035 Veterans affairs advisory committee. Full recognition of the state veterans affairs advisory committee, as established under RCW 43.60A.080, shall be given by the department of veterans affairs, and its director.

(1) The director, or his designee, and such members of the department staff as he selects shall meet with the committee on a regular schedule unless there be mutual agreement between the chairman of the committee and the director to the contrary.

(2) Minutes shall be kept of the proceedings at each meeting, including recommendations of the committee, and a complete copy provided to each member of the committee within 30 calendar days.

(3) When requested by the committee to do so, the director shall present the governor, in person or in writing, the recommendations of the committee as recorded in the minutes.

Such presentation shall be in addition and distinct from any contact or communications by the committee itself.

[Order 7659, § 484-10-035, filed 7/28/77.]

WAC 484-10-040 Coordination with other agencies. The department of veterans affairs shall be responsible

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for coordination with other agencies, both public and private, of all programs and projects affecting veterans and their beneficiaries, as its director may deem appropriate.

[Order 7659, § 484-10-040, filed 7/28/77.]

WAC 484-10-045 Practice and procedures. In those contested cases, declaratory proceedings, and requests for rule making in which the department of veterans affairs has authority to conduct hearings, practice and procedure shall be in accordance with those uniform rules promulgated by the code reviser and codified as chapter 1-08 WAC as now written or as hereafter amended except for those situations covered under WAC 484-120-105.

[Order 7659, § 484-10-045, filed 7/28/77.]

WAC 484-10-050 Exception to rules. (1) The rules are necessarily based on conditions which are considered to apply in the great majority of situations. Individual circumstances may exist in which application of the rule seems to work in opposition to the objective desired. This may occur when an individual's situation differs from that of the majority or when his circumstances are peculiar. In these cases, exceptions may be considered.

(2) An exception cannot be made to a specific provision of the law. However, individual case exception to a rule or procedure not specifically enunciated in the law can be authorized by the department of veterans affairs when it appears to be in the best interest of overall economy and the individual's welfare.

(3) Exception decisions are not subject to the fair hearing procedure of WAC 484-120-105.

[Order 7659, § 484-10-050, filed 7/28/77.]

Chapter 484-20 WAC WASHINGTON SOLDIERS' HOME AND COLONY--WASHINGTON VETERANS HOME

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

484-20-125	Discharge—Honorable. [Order 7659, § 484-20-125, filed 7/28/77.] Repealed by 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.070.
484-20-130	Discharge—Disciplinary. [Order 7659, § 484-20-130, filed 7/28/77.] Repealed by 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.070.
484-20-155	Administrative appeal. [Order 7659, § 484-20-155, filed 7/28/77.] Repealed by 85-20-099 (Order 85-01), filed 10/1/85. Statutory Authority: RCW 43.60A.070.

WAC 484-20-010 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

(1) Allowable income — That minimal monthly income amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use and increased as provided in WAC 484-20-065.

(2) Department — The department of veterans affairs.

(3) Duly constituted body, representative of the members — A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

(4) Director — The director of the department of veterans affairs or his designee.

(5) Gross misconduct — Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(6) Member — An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(7) Superintendent — The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-010, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-010, filed 7/17/80; Order 7659, § 484-20-010, filed 7/28/77.]

WAC 484-20-015 Application for membership. (1) An application for admission to membership in the Washington veterans' home, the Washington soldiers' home or the Washington soldiers' home colony shall be made to the superintendent on forms prescribed by the director. Admissions may be made for an indefinite or for a specified period of time.

(2) An applicant shall submit either a copy of his or her military discharge or other acceptable proof of qualifying military service with the application. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After the director's decision is made, the

superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission. If an applicant is denied admission, the document so informing him shall include a statement of the reason and authority for such denial.

(4) An applicant denied admission may, within thirty days of mailing of a written notification of denial, submit a written request for reconsideration by the director.

(5) An applicant shall not be admitted without approval by the director.

(6) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-015, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-015, filed 7/17/80; Order 7659, § 484-20-015, filed 7/28/77.]

WAC 484-20-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if he/she meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-020, filed 7/17/80; Order 7659, § 484-20-020, filed 7/28/77.]

WAC 484-20-025 Eligibility—State residency. An applicant shall be an actual bona fide resident of the state of Washington at the time of application.

[Order 7659, § 484-20-025, filed 7/28/77.]

WAC 484-20-030 Eligibility—Military service. (1) An applicant must have served

(a) In the armed forces of the United States government in any of its wars and have received an honorable discharge, or

(b) As a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received an honorable discharge.

(2) The inclusive dates referred to in subsection (1)(a) are

(a) Civil War – April 12, 1861, to May 26, 1865,
 (b) Spanish-American War – April 21, 1898, to August 12, 1898,

(c) Philippine Insurrection – August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province,

(d) Boxer Rebellion – June 10, 1900, to June 12, 1901,

(e) World War I – April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918,

(f) World War II – December 7, 1941, to December 31, 1946,

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(g) Korean War – June 27, 1950, to January 31, 1955,
 (h) Viet Nam – August 5, 1964, to May 7, 1975.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-030, filed 7/17/80; Order 7659, § 484-20-030, filed 7/28/77.]

WAC 484-20-035 Eligibility—Transfer of property. Transfer or assignment by an applicant of real or personal property within three years of the date of application shall create the presumption that such assignment or transfer was for the purpose of rendering himself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-035, filed 7/17/80; Order 7659, § 484-20-035, filed 7/28/77.]

WAC 484-20-040 Eligibility—Property resources.

(1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1600 except as provided in subsections (2) through (4) of this section.

(2) For good cause shown the director may authorize an exception to the limit in subsection (1) of this section.

(3) An applicant for membership in the colony of the state soldiers' home may not own real property except property within the Orting school district which is the domicile of the applicant(s).

(4) An applicant for membership in either home may own real property in excess of \$1600 provided such property is the domicile of the spouse and/or dependent children of the applicant.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-040, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-040, filed 7/17/80; Order 7659, § 484-20-040, filed 7/28/77.]

WAC 484-20-045 Eligibility—Indigency as inability to earn support. To be eligible for admission an applicant must provide evidence of inability to support himself or herself.

[Order 7659, § 484-20-045, filed 7/28/77.]

WAC 484-20-050 Eligibility—Income. An applicant with income in excess of that required to purchase the type of care he or she requires shall not be eligible for membership unless

(1) The director, upon recommendation of the superintendent, has authorized an exception and

(2) The applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-050, filed 7/17/80; Order 7659, § 484-20-050, filed 7/28/77.]

WAC 484-20-055 Eligibility—Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to membership provided

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(1) The veteran was a member at the time of death or would have been eligible for membership except for his/her income or resources; and

(2) The spouse

- Is at least fifty years of age, and
- Is unable to support himself or herself, and
- Has not remarried a person who is not a member or eligible for membership.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-055, filed 7/17/80; Order 7659, § 484-20-055, filed 7/28/77.]

WAC 484-20-060 Eligibility—Married couple. A married couple may be admitted to membership if

- Living together as man and wife, and
- Married at least three years prior to application or if the veteran married a person who is a member or eligible for membership.

[Order 7659, § 484-20-060, filed 7/28/77.]

WAC 484-20-065 Use of income and assets of member. (1) Members shall relinquish monthly all income in excess of allowable income to the veterans' home or soldiers' home revolving fund except as outlined in subsection (4) of this section. The amount relinquished shall not exceed the total cost of care of the member determined consistent with subsection (7) of this section. The superintendent may make exceptions for income of individuals on furlough who are attempting to reestablish residency within the community and for earnings of members participating in therapeutic employment programs approved by the superintendent.

(2) Allowable income shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. The increase will be determined by the formula $P \times A/12$ rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase.)

(3) Members shall be required to apply for any and all entitlements or benefits as soon as they become eligible or within ten working days of receiving a written directive to do so by the homes administration.

(4) A member may contribute toward the necessary support of a nonmember spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s).

(5) Individuals who are normally in receipt of income from the veterans administration and whose income has been discontinued as a result of their funds having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued to pay from their estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.

(6) The provisions of this section do not apply to members of the soldiers' home colony.

(7) A member who receives or accumulates funds in excess of the equivalent cost of his/her care at the home for one year based upon four times the total operating

cost from the most recent quarter for which reports are readily available attributable to that member's level of care (i.e., domiciliary or nursing care) divided by the average member population for that level of care during the same quarter, must relinquish such excess assets to the revolving fund or request voluntary discharge.

(8) Members are required to disclose to the department all income and assets when requested by the homes' administration.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-065, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-065, filed 7/17/80; Order 7659, § 484-20-065, filed 7/28/77.]

WAC 484-20-068 Duly constituted body. (1) Each home shall have a duly constituted body representative of the home members established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.

(2) The duly constituted body shall be composed of representatives elected annually, to serve for the succeeding calendar year. At the option of the duly constituted body, representatives may be elected to serve terms as follows: A minimum of three representatives to be elected in even-numbered years and a minimum of four representatives to be elected in odd-numbered years.

(3) Representation of home members receiving domiciliary care, nursing care and soldiers home colony members shall make up the duly constituted body.

(4) Representatives will be elected from living units to be designated by the superintendent.

(5) Representatives from the living units shall be elected by members of that living unit or by the general membership.

(6) The members from each living unit receiving the largest number of votes shall be elected to the duly constituted body.

(7) In the event of a vacancy due to an insufficient number of members requesting to serve or the resignation, abandonment, medical disability (established by the medical director at the home), death or discharge from the home, the member representatives and the superintendent shall submit names to fill such vacancy subject to confirmation by a majority of the elected representatives.

(8) The duly constituted body shall meet when called together on reasonable notice by the superintendent or his designee. The presence of at least the majority of the representatives is necessary to constitute a quorum.

(9) When the duly constituted body meets with the administration, the superintendent or his designee shall have no vote but shall chair these meetings. The duly constituted body may meet on its own at any time without notice to the administration. When the duly constituted body meets with the administration, the chairman shall ensure that all agenda items are considered. Agenda items may be submitted by the duly constituted body, any home member, or the administration.

(10) On the written request of a majority of the duly constituted body the superintendent shall call a meeting to be held within fourteen days of the request for such meeting and shall provide notice to each representative.

[Statutory Authority: RCW 43.60A.070. 86-05-014 (Order 86-01), § 484-20-068, filed 2/13/86; 85-20-099 (Order 85-01), § 484-20-068, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-068, filed 7/17/80; Order 7659, § 484-20-068, filed 7/28/77.]

WAC 484-20-070 Veterans home or soldiers home revolving fund. (1) The superintendent shall deposit all funds relinquished pursuant to WAC 484-20-065 in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from the duly constituted body, representative of the members.

(4) A proposed budget shall be prepared for each fiscal year by the superintendent or a duly authorized representative which shall delineate income by sources and allocations by category. This budget shall be presented to the duly constituted body representative of the members for approval. Approval of the budget shall constitute authority for the superintendent or his duly authorized representative to make disbursements from the revolving fund in accordance with the approved budget. If agreement between the superintendent and the duly constituted body cannot be reached the duly constituted body may appeal any budget item in dispute to the director, in which case the decision of the director shall be final.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and state personnel merit system rules. The revolving fund budget must contain continued funding for existing civil service positions until such time as the director or his delegate, either individually or pursuant to a good faith request from the majority of the duly constituted body, terminates position(s) through a reduction-in-force and all appeal rights of affected civil service employees have been exhausted.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-070, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-070, filed 7/17/80; Order 7659, § 484-20-070, filed 7/28/77.]

WAC 484-20-075 Aid and attendance account. (1) The superintendent shall establish an aid and attendance account within the home's revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the members limited to nursing and other health related care services.

(2) The portion of each member's income which is derived from a veterans administration aid and attendance allowance shall be deposited to the aid and attendance account within the revolving fund.

(3) An amount, equivalent to the nursing care aid and attendance allowance payable to a veteran under Public Law 95-588, for nursing care members, shall be deposited to the aid and attendance account of the revolving fund.

(4) An amount, equivalent to housebound rates payable under Public Law 95-588, of income of domiciliary

members receiving direct care services in addition to those services provided to all domiciliary members shall be deposited to the aid and attendance account of the revolving fund.

[Statutory Authority: RCW 43.60A.070. 86-05-014 (Order 86-01), § 484-20-075, filed 2/13/86; 85-20-099 (Order 85-01), § 484-20-075, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-075, filed 7/17/80; Order 7659, § 484-20-075, filed 7/28/77.]

WAC 484-20-080 Annual declaration of income and assets. Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-080, filed 7/17/80; Order 7659, § 484-20-080, filed 7/28/77.]

WAC 484-20-085 Members' rights and rules of conduct--Notification. Each new home member and new employee shall be furnished with the home's policies regarding member rights and with a copy of chapter 484-20 WAC.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-085, 10/1/85; Order 7659, § 484-20-085, filed 7/28/77.]

WAC 484-20-090 Rules of conduct. Members of the homes are required to comply with the following rules of conduct:

(1) Rules of conduct pertaining to health and safety.

(a) Emergency evacuation. Any time a fire or alarm is sounded, domiciliary members must evacuate the building immediately and report to the designated evacuation area. He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person. Nursing care unit members must follow the instructions of the nursing staff.

(b) Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly-shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.

(c) Electrical appliances. Only low wattage electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders, and disc playing machines may be used in members' rooms. Use of any other electric equipment requires the written approval of the superintendent.

(d) Repair of rooms. Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition

applies to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.

(e) Alcohol – drugs. Possession or use of intoxicating beverages (except as authorized below), narcotics, or controlled substances on the grounds of the Washington veterans' homes without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the member to whom they were issued, shall be turned in to the home pharmacy. Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.

(f) Weapons. Members possessing firearms, ammunition, explosive or dangerous weapons must turn them in to the administration office. Possession of any of these items on the home grounds is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited except when specifically sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Visiting hours for guests are 8:00 a.m. to 10:00 p.m. These may be extended if other members are not disturbed.

(b) Program listening. Radios, television sets, and tape recording-playing devices may be used in members' rooms, provided that volume levels are kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Members leaving the grounds for any purpose must sign out with the building captain, C.Q., or appropriate nurses' station in such a manner as prescribed by the home administration. Upon returning, the member must sign in again. After returning from pass or furlough, the member must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the member absent without official leave. Members being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity or the state of Washington without permission is also prohibited. Members are required to reimburse the home for theft and intentional or negligent injury to state property.

(e) Vehicle registration. Vehicles kept on home grounds must be registered annually with the administration of the home. Members who drive on the home grounds must possess a valid Washington state driver's license and must provide proof of ownership and/or registration. The requirement to register applies to vehicles owned by members, owned by another and registered in the name of the member, and any vehicle regardless of ownership that is regularly in the possession of the member. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. Members must comply with the provisions of the Washington state financial responsibility law.

(f) Conduct between members and staff. Members will conduct themselves in an orderly, courteous, and cooperative manner at all times among themselves, with visitors, and with staff members. Obscene, sexually or racially demeaning, or threatening language, or behavior, or any physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Members will obey all valid instructions directed at them by staff acting in an officially authorized capacity. This includes member employees in positions of authority.

(g) Attire of home members. Members must dress in a manner so as not to reasonably offend the sensitivity of others when outside their rooms.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-090, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-090, filed 7/17/80; Order 7659, § 484-20-090, filed 7/28/77.]

WAC 484-20-095 Supplementary policies and procedures. The superintendent of each home shall establish supplementary policies and procedures not inconsistent with the substance and intent of the rules in this chapter and in conformance with existing federal and state statutes and standards. Representation of a duly constituted body, representative of the members, shall be afforded the opportunity for input into such supplementary policies and procedures. The superintendent will give due and proper consideration to such input.

[Order 7659, § 484-20-095, filed 7/28/77.]

WAC 484-20-100 Violation—Investigation. Reports of possible rule violations shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-100, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-100, filed 7/17/80; Order 7659, § 484-20-100, filed 7/28/77.]

WAC 484-20-105 Penalties. The superintendent may impose penalties for the violation of rules of conduct, for gross misconduct or for willful failure to comply with any responsibility placed upon them by WAC 484-20-065; such penalties may include:

(1) Restricting the member to the home grounds for a maximum of sixty days;

When determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days;

(3) A combination of penalties in subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

[Statutory Authority: RCW 43.60A.070, 85-20-099 (Order 85-01), § 484-20-105, filed 10/1/85; Order 7659, § 484-20-105, filed 7/28/77.]

WAC 484-20-110 Fair hearing. (1) Any member upon whom a penalty has been imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any. Disciplinary sanctions imposed pursuant to this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the member's conduct is a threat to the health and safety of others.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the written notice penalty which is being appealed from;

(b) Specify as precisely as possible the issues to be adjudicated at the fair hearing;

(c) Set forth the address of the member and his/her representative or attorney if any; and

(d) Be signed by the member or his/her representative or attorney.

(4) A fair hearing shall be held, within sixty days after receipt of the request, in the home or colony in which the client resides. The fair hearing shall be conducted pursuant to chapter 10-08 WAC by an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director. If the parties cannot satisfactorily agree on informal procedures for discovery, the administrative law judge may issue orders specifying the conditions under which discovery shall proceed.

(5) The administrative law judge shall, within thirty days after the date of the fair hearing, issue a proposed decision and notify the member and director. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(6) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the

date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

(7) Any party adversely affected by a proposal for decision may file written argument and exception with the director. Written argument and exception must be filed within fifteen days from the date the proposal for decision was mailed to the parties. Such fifteen-day period may be extended by the director or his or her designee upon motion of a party when the motion is filed during the fifteen-day period and good cause for the extension is shown. Good cause includes mistake, inadvertence, and excusable neglect on the part of the moving party or unavoidable casualty or misfortune preventing the moving party from timely filing. Upon a showing of good cause either party may file exception and argument within thirty days of the date the proposed decision was mailed to the parties.

(8) The director, or his or her designee, shall personally consider the whole record or such portions of the record as are cited by a party or parties in exception and argument. The director or designee shall render the final department decision. The director or designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party. The director or designee may remand the proceedings to the administrative law judge for the taking of additional evidence or argument.

[Statutory Authority: RCW 43.60A.070, 85-20-099 (Order 85-01), § 484-20-110, filed 10/1/85; 80-09-069 (Order 80-01), § 484-20-110, filed 7/17/80; Order 7659, § 484-20-110, filed 7/28/77.]

WAC 484-20-115 Furlough. (1) Furlough time will be earned by the member at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) At the request of the member. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances. If the furlough exceeds thirty days the member may not return to the home until appropriate facilities are available for his care.

(b) As a disciplinary measure as provided in WAC 484-20-105.

(3) Authorized absences of ninety-six hours or less shall not be considered furloughs.

(4) The superintendent or his designee may authorize furlough in advance of accrual when deemed appropriate.

[Order 7659, § 484-20-115, filed 7/28/77.]

WAC 484-20-120 Discharge. A member may be discharged by the superintendent.

(1) When the member so requests;

(2) When the member has sufficient financial ability to support himself or herself outside the home;

(3) When the member no longer needs the care and services of the home, regardless of financial ability;

- (4) When the care requirements of the member cannot be provided by the home;
- (5) For failure to comply with the provisions of WAC 484-20-065, use of income and assets of member;
- (6) For conviction of a felony or gross misdemeanor;
- (7) For repeated violation of the general rules of conduct, WAC 484-20-090;
- (8) For gross misconduct whether or not such conduct also violates the rules of conduct, WAC 484-20-090;
- (9) When a member has been absent without leave for a period in excess of fifteen days;
- (10) For failure to fulfill the requirement of any disciplinary sanction;

(11) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action.

[Statutory Authority: RCW 43.60A.070. 85-20-099 (Order 85-01), § 484-20-120, filed 10/1/85; Order 7659, § 484-20-120, filed 7/28/77.]

WAC 484-20-135 Transfer. A member may apply for transfer to either home or colony. Transfer shall be authorized upon recommendation of the appropriate superintendent(s) and approval of the director.

[Order 7659, § 484-20-135, filed 7/28/77.]

WAC 484-20-140 Readmission. A former member who requested voluntary discharge may not apply for membership until three months after discharge. A former member who was discharged for cause may not apply for membership until twelve months after discharge. The director may approve an exception based on the recommendation of the superintendent.

[Order 7659, § 484-20-140, filed 7/28/77.]

WAC 484-20-145 Burial. The superintendent may authorize burial in cemeteries located on the grounds for

(1) A deceased member for whom relatives have not made other arrangements;

(2) The surviving spouse of a member when the deceased person was buried in the home cemetery, unless the surviving spouse shall have remarried; or

(3) Cremated remains of a spouse, who has not remarried since the death of a member who is buried in the home cemetery, may be buried in the same gravesite when requested by the next of kin. All costs incurred in such interment and placement of a flat headstone marker will be assumed by the next of kin prior to approval of such interment.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-20-145, filed 7/17/80; Order 7659, § 484-20-145, filed 7/28/77.]

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WAC 484-20-150 Population level. The superintendent shall keep the membership of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the legislature. The superintendent may not assign members a level of care inconsistent with the needs of the individuals.

[Order 7659, § 484-20-150, filed 7/28/77.]

Chapter 484-30 WAC VETERANS FIELD SERVICES

WAC

484-30-005	Description and purpose of services.
484-30-010	Data gathering and reporting.
484-30-015	Auditing.

WAC 484-30-005 Description and purpose of services. The department may establish and maintain offices within the state to afford services to veterans and their beneficiaries. Within limitations imposed by budgetary considerations, these offices shall maintain services and training including, but not limited to:

(1) **Claims service.** This service will primarily be in providing forms, and assistance in preparing them, for eligible veterans and their beneficiaries, in claims against the federal government under Title 38, United States Code. However, assistance may also be rendered in assisting any eligible veteran or beneficiary in preparing and presenting a claim against any agency, private or public, which has to do with a right, of a veteran or his beneficiary, which is based upon service in the military service of the United States of America.

(2) **Referral service.** This service shall consist of referral of the veteran or beneficiary to a resource which may have the capability of affording supplementary or discrete benefits to those for which a veteran or beneficiary may be eligible as a result of military service. Such referrals would include, but not be limited to:

(a) Social Security or Supplementary Security Income offices.

(b) Employment and employment training resource facilities, public and private.

(c) Public assistance.

(d) Vocational rehabilitation sources, public and private.

(e) Alcohol and drug related assistance.

(f) Mental health facilities.

(3) **Outreach services.** These services shall include claims and referral services, but are provided at outreach locations, on a regular basis, from the established veterans service office.

(4) **Representation at veterans administration regional office.** This shall consist of the maintenance of personnel at the veterans administration regional office in Seattle, to represent eligible veterans and their beneficiaries before VA rating and appeal boards, or other VA administrative bodies, when such can be done through a power of attorney granted by the veteran or beneficiary.

[Order 7659, § 484-30-005, filed 7/28/77.]

WAC 484-30-010 Data gathering and reporting. In order to ensure that all eligible veterans and beneficiaries are treated equitably, such data as may be required shall be compiled in each veterans service office and submitted to the department of veterans affairs on a monthly basis. Such data shall be in form and content as prescribed by the department.

[Order 7659, § 484-30-010, filed 7/28/77.]

WAC 484-30-015 Auditing. The veterans service offices of the department of veterans affairs shall be audited to the extent and frequency necessary to ensure compliance with such procedural and data gathering requirements as are established by the department.

[Order 7659, § 484-30-015, filed 7/28/77.]

Chapter 484-40 WAC FIDUCIARY SERVICES

WAC

484-40-005	Scope of services.
484-40-010	Conservation of income.
484-40-015	Case level.
484-40-020	Auditing.

WAC 484-40-005 Scope of services. As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

(1) Executor under the last will of the estate of any deceased veteran.

(2) Administrator of the estate of any deceased veteran.

(3) The guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran.

(4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-40-005, filed 7/17/80; Order 7659, § 484-40-005, filed 7/28/77.]

WAC 484-40-010 Conservation of income. Paramount in consideration in the handling of the funds of those eligible for fiduciary services shall be expenditure of funds in the best interest of the individual.

[Order 7659, § 484-40-010, filed 7/28/77.]

WAC 484-40-015 Case level. (1) The director of the department of veterans affairs, or his designee, is authorized to provide the scope of services enumerated under WAC 484-40-005. He is not required to do so.

(2) The director of veterans affairs shall determine when the case level is commensurate with available personnel and funding.

(1989 Ed.)

(3) The director of the department may refuse the provision of further services, under this chapter, whenever he deems appropriate for whatever reasons he deems appropriate.

[Order 7659, § 484-40-015, filed 7/28/77.]

WAC 484-40-020 Auditing. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency.

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited.

[Statutory Authority: RCW 43.60A.070. 80-09-069 (Order 80-01), § 484-40-020, filed 7/17/80; Order 7659, § 484-40-020, filed 7/28/77.]

Chapter 484-50 WAC PUBLIC RECORDS

WAC

484-50-005	Disclosure.
484-50-010	Exemptions.

WAC 484-50-005 Disclosure. (1) All public records of the department of veterans affairs are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 and WAC 484-50-010.

(2) Requests for any identifiable public record may be initiated at the headquarters of the department of veterans affairs, in Olympia.

[Order 7659, § 484-50-005, filed 7/28/77.]

WAC 484-50-010 Exemptions. (1) The department of veterans affairs reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310 or federal or other state laws and regulations.

(2) Pursuant to RCW 42.17.260, the department of veterans affairs reserves the right to delete identifying details when it makes available or publishes any public record, in any case in which there is reason to believe that disclosure of such details may be unreasonable invasion of personal privacy. The public records officer shall fully justify such deletion in writing.

[Order 7659, § 484-50-010, filed 7/28/77.]